

LAWYERS AGAINST THE WAR

Canada

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www.lawyersagainsthewar.org

A Canada-based committee of jurists and others who oppose war and promote enforcement of international humanitarian law.

Monday, June 25, 2007

To: The Right Honourable Prime Minister Stephen Harper
The Honourable Attorney General Robert Nicholson,
The Honourable Minister of Foreign Affairs Peter MacKay,
The Honourable Minister of National Defence Gordon O'Connor

Dear Prime Minister and Ministers;

Re: Letter of June 12, 2007 calling on Canadian Government to secure Omar Khadr's release from Guantánamo Bay prison and repatriation to Canada.

We write to request a meeting with you and to offer to provide access to legal advice on Canada's duty to secure the release and repatriation of Omar Khadr, from jurists with expertise in the applicable humanitarian and human rights law. Please note, the June 12, 2007 Lawyers Against the War letter to you has now been signed by many knowledgeable jurists and human rights specialists from around the world, i.e. from Canada, U.S., the Netherlands, Germany, Italy, Australia and the Republic of Georgia. (A list of signatures as of June 25, 2007 is below.)

Amnesty International and many Canadian law professors and human rights specialists have, in a separate letter, also called on the Canadian government to secure Omar Khadr's release from Guantánamo Bay prison and his repatriation to Canada.

The need for proper legal action by the Canadian government is urgent given the persistent violation by U.S. authorities of Khadr's rights over a period of five years, the resulting damage to his health, the ongoing denial of access to U.S. courts to determine the legality of his detention or treatment and the possibility of transfer to another country on closure of Guantánamo Bay. Non-intervention is not legally justified.

Your response to these calls to action, namely that the Canadian government will wait until "the appeals process has been exhausted" indicates inaccurate and/or incomplete knowledge of the applicable law and of the relevant facts. For example, the "appeal process" to which you refer will likely take many years to exhaust and will not result in the competent determination of the legality of Omar Khadr's detention or his guilt or innocence of criminal acts.

Many people with acknowledged expertise of the humanitarian and human rights law applicable to Omar Khadr's rights and to Canada's legal duty to protect those rights are available to meet with you and other Ministers and to provide ongoing legal advice. As your mandate is to uphold Canadian law and international law binding on Canada, we hope to have the opportunity, as soon as possible, to provide you and other Parliamentarians with access to advice from such people.

Please let us know when you are available for a meeting. Thank you.

Gail Davidson, **Lawyers Against the War**
Encl. June 12, 2007 letter.

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Signatures to June 12, 2007 letter, as of June 25, 2007

Professor Amir Attaran, D. Phil. LL.B. University of Ottawa, Ottawa Ontario Canada
Dave Abbey, Ottawa Ontario Canada
Mark Battersby, Phd (Phil), Philosophy Department, Capilano College, Vancouver BC Canada
Judith Blau, Professor, Chair Social & Economic Justice, University of North Carolina at Chapel Hill
Gloria Bletter, Attorney (retired) New York, U.S.A.
Francis Boyle, Professor of Law, University of Illinois, Illinois U.S.A.
Paul Copeland, Barrister and Solicitor, Toronto Ontario Canada.
Marjorie Cohn, Professor of Law, President of the **National Lawyers Guild**, California U.S.A.
Diana m. Davidson, C.M., LLb, Bed (elem), founder **People's Law School**, Vancouver BC Canada
Philippe Robert de Massy, Avocat, Quebec, Canada
Armin Fiand, Rechtsanwalt, Hamburg, Germany
John Bart Gerald, Ottawa Ontario Canada
Charles B. Gittings Jr., **Project to Enforce the Geneva Conventions**, California U.S.A.
Dr. Peter Gose, Professor, Carleton University, Ottawa.
Rob Hughes, Barrister and Solicitor, Vancouver BC Canada
Paola Konge, Barrister and Solicitor, Burlington Ontario Canada
Hans G. Kratz, **KAIROS: Canadian Ecumenical Justice Initiatives**, Qualicum B.C. Canada
Dr. Max LeBlond, J.D. University of Washington, Teacher, Sidney, Australia
Tamara Lorincz, **Halifax Peace Coalition & Nova Scotia Voice of Women for Peace**
Dr. Graeme MacQueen, Hamilton Ontario Canada
Irene MacInnes, **CESAPI** Founding member, Vancouver Citizens Peace Award, Vancouver, Canada
Prof. Fabio Marcelli, President-**Center for Democracy Research**, Vice-Secretary **IADL**, Italy.
Randal Marlin, Department of Philosophy, Carleton University, Ottawa Ontario Canada
John McNamer, Kamloops B.C. Canada
Khaled Mouammar, National President **Canadian Arab Federation**
Alma Norman, Citizen. Ottawa Ontario Canada
Almerindo Ojeda, Coordinator **Center for the Study of Human Rights in the Americas**, Calif. U.S.A.
Dr Trevor Purvis, Professor of International Law and Human Rights, Carleton University, Ottawa Canada
Michael Ratner, President of the **Center for Constitutional Rights**, New York U.S.A.
Réseau du Forum social de Québec Chaudière-Appalaches (49 groups, labor unions and networks)
Joan Russow (PhD), **Project for Global Research**, Victoria B.C. Canada
Dr. Blair Rutherford, Professor, Carleton University, Ottawa Ontario Canada
Dr. Heinz-Juergen Schneider, Rechtsanwalt, Hamburg, Germany
Wolfgang P. Schulz, Rechtsanwalt, President (Europe) **World Jurist Association**, Berlin Germany
Naeem Siddiqi, **Canadian Muslim Civil Liberties Association** Canada
René Silva Director **Canadian Committee To Combat Crimes Against Humanity** Montreal Quebec
Bill Skidmore, Professor of Human Rights, Carleton University, Ottawa Ontario Canada
Meindert J.F. Stelling, **Dutch Association of Lawyers for Peace**, The Hague, Netherlands
Dr. Paata Tsnobiladze, Law Professor, National President, **World Jurist Association**, Rep. of Georgia